

**Exhibit B**  
**to the**  
**Declaration of Sabin Head In Support of Visto's**  
**Motion for Preliminary Injunction**

# CLAIM CHART COMPARISON OF CLAIM 10 OF THE '192 PATENT TO THE ACCUSED PRODUCTS

CLAIM 10 (U.S. Pat. 6,085,192)	SPROQIT'S SYSTEM
<p>A system comprising:</p> <p>a communications channel through a firewall comprising one of an HTTP port and an SSL port;</p>	<p>The Court has defined a "communications channel" as a "medium for transferring information," which "can be any physical or wireless link." [Khaliq Decl. ¶2, Ex. A Claim Construction Order at 11 ("Claim Construction Order")].</p> <p>The Sproqit Desktop Agent establishes a communications link using an SSL port through a firewall. This is asserted by Sproqit both in its documentation and in its website. [See Head Decl., Ex. F, <a href="http://www.sproqit.com">http://www.sproqit.com</a>, Architecture and Products_spe and Products_swe pages]. In a typical Sproqit System setup the Sproqit Desktop Agent connects through a firewall to the smart phone. [See Head Decl., Ex. F, Sproqit System Diagram]. The Sproqit Desktop Agent uses port 443 as its SSL port. [See Head Decl. ¶ 28, Ex. I, Network Packet Transfer Log ("packet sniffer")].</p>
<p>a general synchronization module for operating within the first firewall and for examining first version information to determine whether a first workspace element at a first store has been modified;</p>	<p>The second element of claim 10 of the '192 requires "a general synchronization module for operating within the first firewall." The court has defined the general synchronization module as "software routines or code that perform the task of determining whether a workspace element and/or an independently modifiable copy thereof has (or have) been modified, based on one or more criteria." [See Khaliq Decl. ¶2 Ex. A., Claim Construction Order at 15]. The court has defined "firewall" as "software and/or hardware for protecting an organization's network against external threats, such as hackers, coming from another network, such as the Internet." [Id. at 11].</p> <p>The Sproqit Desktop Agent, residing behind the firewall, working in conjunction with Exchange, performs the task of determining whether a workspace element or independent modifiable copy of a workspace element has (or have) been modified, incorporates a general synchronization module. [See Head Decl. ¶ 28, <i>see also</i> Ex. J, Sproqit Architecture (f]unctions of the Sproqit Desktop</p>

Agent include: notifying application of relevant events, keeping track of what the Sproqit Companion has cached, streaming data between the applications and the Sproqit Companion)].

The second element also requires that the general synchronization module examine "first version information." The court has defined "version information" as "information that can be used to determine the version of a workspace element." [Claim Construction Order at 26]. "Workspace element" has been construed as "a subset of workspace data such as an e-mail, file, bookmark, calendar, or applications program which may include version information." [*Id.* at 20]. Accordingly, a workspace element can be represented by either an e-mail folder or an individual e-mail. [See Head Decl. ¶ 28]. The term "e-mail" refers to the message headers, the message body, status indicators (such as opened/unopened, deleted/undelivered, and other parameters such as urgency, and other message or system dependent parameters, etc.). [*Id.*]. The Sproqit Desktop Agent examines version information by examining the e-mail inbox at an Exchange Server to determine whether new messages have arrived or changes have been made to the e-mail inbox folder. [See Head Decl. ¶ 20, Test 2; see also Ex. H, Sproqit Architecture ("the agent allows the user to access and control data and information on their desktop or server." The status of whether an e-mail has been read or unread is an example of version information which is examined by the general synchronization module incorporated within the Sproqit Desktop Agent. [See Head Decl. ¶ 19, Test 4 & 5; see also Ex. H, Sproqit Personal Edition User Guide for the Palm OS ("Both Sproqit and Outlook/Express store status about messages locally (e.g. read/unread).

The claim further requires a "first workspace element at a first store." The court has defined store as "a storage location for data that may reside on any type of memory device." [Claim

<p>Construction Order at 23]. In Sproqit's System, for example, this may correspond to an e-mail or e-mail folder (workspace element) residing at a Microsoft Exchange Server (first store), as can be seen in Microsoft Outlook [See Head Decl. ¶ 28, Ex. H, Sproqit Personal Edition User Guide for the Palm OS at 4 (depicting Sproqit Desktop Agent connected to "Data Store").</p> <p>The claim requires that the version information indicate whether the first workspace element "has been modified." The court has defined "modifications" as "changes to a workspace element or an independently modifiable copy of the workspace element." [Id. at 18]. In the Sproqit System the arrival of a new message at the e-mail inbox folder at the Exchange Server represents a modification to the first workspace element. [See Head Decl. ¶ 20 Test 2]. The general synchronization module at the Sproqit Desktop Agent examines the status of the inbox (version information), to determine whether there are any changes. [See Head Decl. ¶ 28, Ex. H, Sproqit Personal Edition User Guide for the Palm OS ("Sproqit will monitor changes to your default mail folders (Inbox, Outbox, Drafts, Deleted Items and Sent Items) and automatically update your Companion with new messages, etc.")]. In addition, the read/unread status of an individual e-mail corresponds to the version information of that e-mail indicating whether it has been modified by the user. [Id. ¶ 28]. In Sproqit's System, when a change is made to the e-mail at the user's PC inside the firewall, the Sproqit Desktop Agent examines version information of that e-mail to detect such modifications [See Head Decl. ¶ 20, Test 6; see also Ex. H, Sproqit Personal Edition User Guide for the Palm OS ("Sproqit will monitor changes to your default mail folders (Inbox, Outbox, Drafts, Deleted Items and Sent Items) and automatically update your Companion with new messages, etc.")].</p>	<p>The third element of the claim 10 requires a "synchronization agent for operating outside the first firewall." The court has</p>
	<p>a synchronization agent for operating outside the first firewall and for forwarding to the general synchronization module second</p>

version information which indicates whether an independently modifiable copy of the first workspace element at a second store on a smart phone has been modified;

defined "synchronization agent" as "software routines or code that send at least a portion of second version information to a general synchronization module for purposes of synchronization." [Claim Construction Order at 24]. For example in the Sprokit System, the Sprokit Companion installed on the smart phone outside the firewall and/or the Sprokit Server incorporate a synchronization agent which forwards second version information to a general synchronization module. [See e.g., Ex. H, Sprokit Personal Edition User Guide for the Palm OS at 3 ("[t]he Desktop Agent asks the Sprokit Companion for the data you request, sends changes to your server to make in desktop applications; the Sprokit Companion contains enough application logic so that whatever you do in Sprokit Plugins on your Palm device is reflected on your desktop immediately, (or, if your working offline, as soon as you reestablish a wireless connection.")].

The claim language further requires a "second store on smart phone." For example, in the Sprokit System, the smart phone contains a second store. [See Head Decl. ¶ 29]. The claim element also specifies a "copy of the first workspace element" at the second store. When the Sprokit Companion connects to the Sprokit Desktop Agent, a copy of the e-mail from the Exchange Server is stored on the smart phone. [See *Id.* ¶ 20, Test 3]. Another condition of this claim element is that the synchronization agent forward "to the general synchronization module second version information" indicating whether the copy of the first workspace element at the second store has been modified. Second version information corresponds to, for example, whether the e-mail copy has been opened (read) or unopened (unread). [See *Id.*, Test 4]. In Sprokit's System the synchronization agent on the Sprokit Companion and/or the Sprokit Server determines whether the version of the copy has changed and forwards these changes to the Sprokit Desktop Agent. [See *Id.*, Test 4 & 5]. The claim also specifies that the

	<p>copy must be "independently modifiable." For example in the Sproqit System, the e-mail on the smart phone can independently be changed from unopened (unread) to opened (read) [<i>See Id.</i>, Test 4]. Further evidence of independent modifiability is shown in Sproqit's off-line mode where the smart phone is disconnected from the network. [<i>See Id.</i>].</p>
<p>a synchronization-start module for operating within the first firewall and for initiating the general synchronization module and the synchronization agent when predetermined criteria have been satisfied;</p>	<p>The fourth claim element requires a "synchronization-start module for operating within the first firewall." The court has defined "synchronization start module" as "software routines or code which initiate the synchronization process." [Claim Construction Order at 26]. In Sproqit's System, a synchronization start module resides in the Sproqit Desktop Agent operating within the firewall. The claim requires that the synchronization-start module "[initiate] the general synchronization module and the synchronization agent." For example, in Sproqit's System the synchronization start module in the Sproqit Desktop Agent initiates the general synchronization module at the Sproqit Desktop Agent when an e-mail arrives or changes are made to the user's inbox folder at the Exchange Server, using Microsoft Outlook. [<i>See</i> Head Decl. ¶ 20, Test 3 &amp; 6]. The synchronization start module at Sproqit Desktop Agent further initiates the synchronization agent at the Sproqit Companion and/or the Sproqit Server when an e-mail is generated or changed in Outlook, or when new message arrives in the user's inbox at the Exchange Server. [<i>See Id.</i>, Test 6; <i>see also</i> Ex. H, Sproqit Personal Edition User Guide for the Palm OS at 3 ("The Desktop Agent asks the Sproqit Companion for the data you request...;[t]he Desktop Agent pushes requested information down to the device, where the Sproqit Companion displays it in various 'forms' "); <i>see also</i> Ex. G, Sproqit WorkGroup Agent Administrator's Guide Version 1.0 at 4 (2000-2005) ("Pushing data to the Sproqit Companion and querying the Sproqit Companion for the data the end user requests.")].</p>

	<p>A final condition of this claim element is that the initiation occur “when predetermined criteria have been met.” In Sproqit’s System, predetermined criteria can be met, for example, when an e-mail arrives, an e-mail is modified or edited, or when changes are made to a user’s e-mail folders. [See e.g. Head Decl. ¶ 30; Head Decl., Ex. H, Sproqit Personal Edition User Guide for the Palm OS at 15 (“Sproqit will monitor changes to your default mail folder’s inbox, Outlook, Drafts, Deleted Items and Sent Items) and automatically update your Companion with new messages, etc.”)].</p>
<p>means for generating a preferred version from the first workspace element and from the copy by comparing the first version information and the second version information, wherein if only one of the first workspace element and the copy has been modified, then the means for generating selects the one as the preferred version; and</p>	<p>The fifth element of claim 10 requires a “means for generating a preferred version from the first workspace element and from the copy.” The court has specified that the structure, material or acts of the “means” element corresponds to the general synchronization module 425 described in the ‘192 patent. [Claim Construction Order at 30]. The court has defined a “preferred version” as “a version of a workspace element that is generated or selected from one or more versions.” [Id. at 26]. The first workspace element, can be represented, for example, by a particular e-mail in Exchange. [See Head Decl. ¶ 31; see also Head Decl. ¶ 20, Test 2]. The copy, is for example, the copy of that particular e-mail on the smart phone. [See Id. ¶ 31; ¶ 20, Test 3]. A preferred version could be represented by either one of the workspace element or the copy after selection. This is seen, for example, when a message is opened on the Sproqit Companion, and the read status of the e-mail is incorporated back at the Sproqit Desktop Agent, changing the status of the e-mail at the Exchange Server to “read,” and thus creating a preferred version. [See Id. ¶ 31; ¶ 20, Test 5].</p> <p>The claim element further requires, “comparing the first version information and the second version information.” The first version information and the second version information, is for example, the opened and unopened status of the e-mail at</p>



	<p>Exchange and the copy of the e-mail on the smart phone, respectively. [See Head Decl. ¶ 31]. If for example, an opened e-mail in the user's inbox folder as seen by Outlook at the desktop PC is subsequently marked unread, software modules within the Sproqit Desktop Agent compare the first and second version information and generate a preferred version which replaces the version of that e-mail on the Sproqit Companion. [See <i>Id.</i> ¶ 20, Test 6 &amp; 7]</p> <p>Furthermore, the claim specifies that "if only one of the first workspace element and the copy has been modified, then the means for generating selects the one as the preferred version." This is met in Sproqit's System, for example, if the copy of the e-mail in the smart phone's inbox has not been modified, and the e-mail on the user's inbox as seen through Outlook has been read. In this scenario, the Sproqit Desktop Agent selects the modified e-mail at the Exchange Server e-mail folder as the preferred version. [See <i>Id.</i> ¶ 31].</p>
<p>means for storing the preferred version at the first store and at the second store.</p>	<p>The final element of the claim requires a "means for storing the preferred version at the first store and at the second store." The court has construed the structure, material, or acts corresponding to the "means" element as the general synchronization module 425 described in the '192 patent. In Sproqit's System, the Sproqit Desktop Agent, which incorporates a general synchronization module, stores the preferred version of an e-mail at the Exchange Server's inbox (first store) and the Sproqit Companion stores the preferred version of the e-mail at the smart phone's inbox (second store). [See Head Decl. ¶ 32; see also <i>Id.</i> ¶ 20 Test 6 &amp; 7].</p>